

EXHIBIT G

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

STATE OF MAINE, and PAUL MERCER, in
his official capacity as Commissioner of the
Maine Department of Environmental
Protection,

Plaintiffs,

v.

ANDREW WHEELER, Acting Administrator,
United States Environmental Protection
Agency, *et al.*

Defendants and

PENOBSCOT NATION and
HOULTON BAND OF MALISEET
INDIANS,

Defendants-Intervenors.

Civil Action No. 1:14-cv-264 JDL

DECLARATION OF KIRK E. FRANCIS

Pursuant to 28 U.S.C. § 1746, I, Kirk E. Francis, declare and state as follows:

1. I am an enrolled citizen of the Penobscot Nation and serve as the elected Chief of the Penobscot Nation.
2. In a telephone conference held on June 27, 2018, EPA Regional Administrator, Alexandra Dunn, told Penobscot Nation representatives, including myself, that the EPA was “prepared to file tomorrow to fully defend” EPA’s agency decisions challenged by Maine in this action, but that EPA and Maine wanted to stay the case for 30 days to explore a framework for settlement.
3. In a telephone conference held on July 27, 2018, EPA Administrators announced to Penobscot representatives that the EPA would file a motion to voluntarily remand its decisions at issue in this case in order to reconsider them.

4. During that telephone conference, the Penobscot Nation's legal counsel asked for an explanation of the reasons for EPA's change of position, and EPA representatives on the call refused to provide one, stating that the explanation would be set out in a forthcoming motion.

5. During that telephone conference, the Penobscot Nation's legal counsel also asked if EPA had consulted with the United States Department of Interior about reversing course, and EPA representatives responded that EPA had not consulted with DOI, other than seeking a supplemental opinion that was filed in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 07/28/18

/s/ Kirk E. Francis
Kirk E. Francis